SUBJECT INDEX

[Titles of Articles are printed in CAPITALS]

ADMINISTRATIVE LAW
THE DEMISE OF PARLIAMENTARY SOVEREIGNTY? THE IMPLICATIONS FOR JUSTIFYING JUDICIAL REVIEW (Mark Elliott) 119
Limitation periods under the Human Rights Act 1998 and judicial review (Danny Nicol) 216

AGENCY
PRINCIPALS, SUB-AGENTS AND ACCOUNTABILITY (Andrew Tettenborn) 655

AUSTRALIA
Choice of law for fiduciary duties (T. M. Yeo) 571
Civil actions for childhood abuse in Australia (Nicholas J. Mullany) 565
Defaming politicians—the English approach (F. A. Trindade) 175
To make the remedy fit the wrong (Aedit Abdullah and Tey Tsun Hang) 376
A warning about causation (Peter Cane) 21
Wives' guarantees of their husbands' debts (Simon Gardner) 1

BANKING
Manifest disadvantage: limits of application (Adrian Chandler) 213
Undue influence: *finis litium*? (N. S. Price) 8
Wives' guarantees of their husbands' debts (Simon Gardner) 1

BUILDING
Tendering: obligations of the offeree? (I. N. Duncan Wallace) 583

CANADA
Tendering: obligations of the offeree? (I. N. Duncan Wallace) 583

CANADA—*cont.*
To make the remedy fit the wrong (Aedit Abdullah and Tey Tsun Hang) 376

COMPANY LAW
Book debt charges—the saga goes on (Roger Gregory and Peter Walton) 14
Company director's personal liability in tort (Stephen Griffin) 36
Fixed charges over book debts: *New Bullas* in New Zealand (D. W. McLauchlan) 365
ILLEGAL TRANSACTIONS AND THE POWERS OF COMPANY DIRECTORS (Ross Grantham) 296
Section 459 and public companies (Jennifer Payne) 368
Section 459 of the Companies Act 1985—the House of Lords view (Jenny Payne and D. D. Prentice) 587

CONFLICT OF LAWS
Choice of law for fiduciary duties (T. M. Yeo) 571
Use and abuse of the Brussels Convention (Jonathan Harris) 576

CONSTITUTIONAL LAW
THE RULE OF LAW AS THE RULE OF REASON: CONSENT AND CONSTITUTIONALISM (T. R. S. Allan) 221

CONTRACT
Attacking unfair mortgage terms (Susan Bright) 360
CONCURRENT LIABILITY IN CONTRACT AND UNJUST ENRICHMENT: THE FUNDAMENTAL BREACH REQUIREMENT (Stephen A. Smith) 245
"Contract not apt in divorce deal" (S. M. Cretney) 356
Tendering: obligations of the offeree? (I. N. Duncan Wallace) 583
Thanks to the House of Lords (B. J. Davenport) 11
THIRD PARTY DAMAGE: NO LEGAL BLACK HOLE? (I. N. Duncan Wallace) 394

COURTS AND JUDGES
ROMAN LAW IN SCOTLAND AND ENGLAND AND THE DEVELOPMENT OF ONE LAW FOR BRITAIN (Robin Evans-Jones) 605
The Rt Hon. Lord Denning of Whitchurch (F. M. B. Reynolds) 169

CRIMINAL LAW
DELAYED CRIMINAL PROSECUTIONS FOR CHILDHOOD SEXUAL ABUSE: ENSURING A FAIR TRIAL (Penney Lewis and Alastair Mullis) 265
Murder, *mens rea*, and the House of Lords—again (A. P. Simester) 17
Stealing one's own property (J. Beatson and A. P. Simester) 372

DAMAGES
Accidents and actions for damage to the mind—Kiwi style (Nicholas J. Mullany) 596
Civil actions for childhood abuse in Australia (Nicholas J. Mullany) 565
Compensating third parties through the claimant's action (Robert Williams) 546
Third party losses and black holes: another view (Hannes Unberath) 535
Psychiatric injury and rescuers (Stephen Todd) 345
THIRD PARTY DAMAGE: NO LEGAL BLACK HOLE? (I. N. Duncan Wallace) 394
To make the remedy fit the wrong (Aedit Abdullah and Tey Tsun Hang) 376

DEFAMATION
Defaming politicians—the English approach (F. A. Trindade) 175

DIVORCE
"Contract not apt in divorce deal" (S. M. Cretney) 356
Family assets, costs and avenues of appeal (Rebecca Bailey-Harris and Paul Coleridge) 551

EASEMENTS
EQUITABLE EASEMENTS—SIXTY YEARS ON (D. G. Barnsley) 89

EQUITY
Choice of law for fiduciary duties (T. M. Yeo) 571
Civil actions for childhood abuse in Australia (Nicholas J. Mullany) 565
EQUITABLE EASEMENTS—SIXTY YEARS ON (D. G. Barnsley) 89
To make the remedy fit the wrong (Aedit Abdullah and Tey Tsun Hang) 376
Tracing and the rule in Clayton's case (K. R. Handley) 186
Wives' guarantees of their husbands' debts (Simon Gardner) 1

ESTOPPEL
THE REMEDIAL DISCRETION IN PROPRIETARY ESTOPPEL (Simon Gardner) 438

EVIDENCE
Implied waiver and adverse inferences (Jonathan Auburn) 590
Legal professional privilege after death of client (H. L. Ho) 27

FRAUD
INSTRUMENTS OF FRAUD, TESTAMENTARY DISPOSITIONS, AND THE DOCTRINE OF SECRET TRUSTS (Patricia Critchley) 631

GERMANY
Judicial development of the law, *error iuris* and the law of unjustified enrichment—a view from Germany (Sonja Meier and Reinhard Zimmerman) 556
PRIVACY, FREEDOM OF EXPRESSION, AND THE HORIZONTAL EFFECT OF THE HUMAN RIGHTS BILL: LESSONS FROM GERMANY (Basil Markesinis) 47

GUARANTEE AND INDEMNITY
Wives' guarantees of their husbands' debts (Simon Gardner) 1

HUMAN RIGHTS
Limitation periods under the Human Rights Act 1998 and judicial review (Danny Nicol) 216

HUMAN RIGHTS—*cont.*
PRIVACY, FREEDOM OF EXPRESSION, AND THE HORIZONTAL EFFECT OF THE HUMAN RIGHTS BILL: LESSONS FROM GERMANY
(Basil Markesinis) 47

INJUNCTION
United States Supreme Court rejects Mareva injunction
(Lawrence Collins) 601

JURISPRUDENCE
The fairy tale's moral
(J. M. Finnis) 170
THE RULE OF LAW AS THE RULE OF REASON: CONSENT AND CONSTITUTIONALISM
(T. R. S. Allan) 221

LANDLORD AND TENANT
Estates in the clouds—the squatter, the lease and the car park
(Charles Harpum) 187
Leasehold restrictions, anticipated user and estate management
(Letitia Crabb) 191
Once upon a time
(Michael Robinson) 389
Legal professional privilege after death of client
(H. L. Ho) 27

LIMITATION OF ACTIONS
Limitation periods under the Human Rights Act 1998 and judicial review
(Danny Nicol) 216

LITERATURE AND LAW
Shakespeare and the lawyers
(David Bentley) 393

MENTAL HEALTH
English psychiatric injury law—chronically depressing
(Nicholas J. Mullany) 30
Necessitous detention and the informal patient
(John Dawson) 40
Psychiatric injury and rescuers
(Stephen Todd) 345

MINORS, INFANTS, CHILDREN AND YOUNG PERSONS
Civil actions for childhood abuse in Australia
(Nicholas J. Mullany) 565

MISTAKE
The fairy tale's moral
(J. M. Finnis) 170
Judicial development of the law, error iuris and the law of unjustified enrichment—a view from Germany
(Sonja Meier and Reinhard Zimmerman) 556
Payment under mistake—tracing and subrogation
(Daniel Friedmann) 195

MORTGAGES
Attacking unfair mortgage terms
(Susan Bright) 360

NEGLIGENCE
A warning about causation
(Peter Cane) 21
Accidents and actions for damage to the mind—Kiwi style
(Nicholas J. Mullany) 596
The American authorities in *Donoghue v. Stevenson*: a resolution
(John D. Gordan III) 183
English psychiatric injury law—chronically depressing
(Nicholas J. Mullany) 30
Negligence and conflicts of interest in the will-making process
(R. Kerridge and A. H. R. Brierley) 201

NEW ZEALAND
Accidents and actions for damage to the mind—Kiwi style
(Nicholas J. Mullany) 596
Defaming politicians—the English approach
(F. A. Trindade) 175
Fixed charges over book debts: *New Bullas* in New Zealand
(D. W. McLauchlan) 365
Restitution and change of position
(Peter Watts) 198

PRACTICE AND PROCEDURE
Abuse of process and dismissal for want of prosecution
(Paul Key) 208
Family assets, costs and avenues of appeal
(Rebecca Bailey-Harris and Paul Coleridge) 551

RESTITUTION
CONCURRENT LIABILITY IN CONTRACT AN UNJUST ENRICHMENT: THE FUNDAMENTAL BREACH REQUIREMENT
(Stephen A. Smith) 245
The fairy tale's moral
(J. M. Finnis) 170
Judicial development of the law, error iuris, and the law of unjustified enrichment—a view from Germany
(Sonja Meier and Reinhard Zimmerman) 556
Restitution and change of position
(Peter Watts) 198
Restitution and the doctrine of ultra vires
(Rory J. White) 380
RETHINKING TRACING AND THE LAW OF RESTITUTION
(Simon Evans) 469
ROMAN LAW
ROMAN LAW IN SCOTLAND AND ENGLAND AND THE DEVELOPMENT OF ONE LAW FOR BRITAIN
(Robin Evans-Jones) 605

SALE OF GOODS
Sale of goods in the course of a business
(Ian Brown) 384
SCOTLAND
ROMAN LAW IN SCOTLAND AND ENGLAND AND THE DEVELOPMENT OF ONE LAW FOR BRITAIN
(Robin Evans-Jones) 605
SUCCESSION
INSTRUMENTS OF FRAUD, TESTAMENTARY DISPOSITIONS, AND THE DOCTRINE OF SECRET TRUSTS
(Patricia Critchley) 631
SUCCESSION—*cont.*
Negligence and conflicts of interest in the will-making process
(R. Kerridge and A. H. R. Brierley) 201

TAXATION
Avoiding inheritance tax
(Roger Kerridge) 351
TORT
Company director's personal liability in tort
(Stephen Griffin) 36
INTENTIONAL INFLICTION OF HARM BY UNLAWFUL MEANS
(Philip Sales and Daniel Stilitz) 411
Psychiatric injury and rescuers
(Stephen Todd) 345
TRUSTS AND SETTLEMENTS
Disclosure of trust information to discretionary beneficiaries
(Charles Mitchell) 206
INSTRUMENTS OF FRAUD, TESTAMENTARY DISPOSITIONS, AND THE DOCTRINE OF SECRET TRUSTS
(Patricia Critchley) 631

UNDUE INFLUENCE
Manifest disadvantage: limits of application
(Adrian Chandler) 213
Undue influence: *finis litium*
(N. S. Price) 8
UNITED STATES OF AMERICA
Legal professional privilege after death of client
(H. L. Ho) 27
United States Supreme Court rejects Mareva injunction
(Lawrence Collins) 601